



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

**Agency:** Department of Ecology AO # 04-07

**Subject of possible rule making:**

This rule making will adopt a new rule Chapter 173-333 WAC that will establish Ecology's process and procedures to address the subject of persistent biocumulative toxic substances.

**Statutes authorizing the agency to adopt rules on this subject:**

ESHB 2459PL and Chapter 70.105 RCW (Hazardous Waste Management)

**Reasons why rules on this subject may be needed and what they might accomplish:**

The 2004 Legislature, and the Governor in Executive Order 04-01 directed the Department of Ecology to establish, through rule, specific criteria for use in identifying persistent, toxic chemicals (PBTs) that pose human health or environmental impacts in Washington State, and a clear process for developing chemical action plans to address those impacts.

PBTs are long-lasting chemicals that break down very slowly when released into the environment. As PBTs move up the food chain, they increase in concentration and they can build up in the tissues of animals and people. Exposure to PBTs has been linked to a wide range of toxic effects in fish, wildlife, and humans, including effects on the nervous system, reproductive and developmental problems, immune-response suppression, cancer, and endocrine disruption.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

**State Agencies:** Washington State Department of Health – several Fish Consumption Advisories are listed in various Washington waters due to specific PBT chemicals.

**Federal Agencies:** Environmental Protection Agency

PBT Program

Waste Minimization Program

During the rule-making process, we will work with these agencies to coordinate our processes and to solicit comments on the draft rule

**Process for developing new rule (check all that apply):**

- ☐ Negotiated rule making  
☐ Pilot rule making  
☐ Agency study

☒ Other (describe) Ecology has created an external rule advisory committee, involving business associations, government associations, environmental and public health advocates, and other community groups to provide input and to keep them informed and engaged throughout the rule-making process. Ecology will also develop a focus sheet and maintain our current PBT web site regarding rule-making activities. Ecology expects to hold formal public hearings on the rule proposal. To find out more about PBTs and to get updates about the rule-making process visit the following web site:

<http://www.ecy.wa.gov/programs/eap/pbt/rule/index.html>

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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For additional information: <http://www.ecy.wa.gov/programs/eap/pbt/rule/index.html>

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**DATE**

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